

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Fred R. Halcomb, Jr.,)	Case No.: 8:22-cv-1877-JD-JDA
)	
Petitioner,)	
)	
vs.)	
)	ORDER AND OPINION
Warden Truitt,)	
)	
Respondent.)	
_____)	

This matter is before the Court on limited remand from the United States Court of Appeals for the Fourth Circuit. Specifically, the Fourth Circuit requested that the Court determine whether Petitioner timely noted an appeal under Rule 4(c)(1) and *Houston v. Lack*, 487 U.S. 266 (1988)(the notice is considered filed as of the date it was properly delivered to prison officials for mailing to the court). *See* Fed. R. App. P. 4(c)(1). The Court concludes that Petitioner’s notice of appeal satisfies Rule 4(a)’s requirements as it was received by the prison mail room before his time to file a notice of appeal elapsed.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
April 24, 2024

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.